

In the Matter of)
)
Request for waiver of the)
requirements in Section 80.453)
of the Rules to permit public)
coast station KAE889 (Los Angeles, CA))
to serve mobile units on land.)

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waivers permitting seventeen stations to serve vehicles on land on a limited basis.⁵ The Commission based the waivers on the fact that each station had marine traffic that was variable in terms of peak usage, allowing the stations to serve land vehicles without degrading maritime communications. The Commission allowed land mobile service to be offered to a limited number of vehicles on a strictly secondary basis. The Commission has received no complaints about interference to maritime communications from vehicles at any of the sixteen stations.

3. On January 8, 1997, Orion filed a Request for Waiver (Request) of 47 C.F.R. § 80.453 to permit station KAE889 (Los Angeles, CA), formerly station WHW266,⁶ to serve a limited number of land units.⁷ The Request was placed on public notice for comment on January 21, 1997. *Public Notice*, No. 1921 (Jan. 21, 1997). No comments were received, however. In its Request, Orion argues that permitting station KAE889 (Los Angeles, CA) to serve land units will enable it to compete with other commercial mobile radio service providers (*e.g.*, cellular radio), which are already permitted to serve units in the land mobile and maritime environments.⁸ Orion points out that many current and potential AMTS customers have a need to equip vessels, as well as land mobile vehicles, with telecommunications equipment.⁹ Orion asks the Commission to allow station KAE889 (Los Angeles, CA) to serve the dual needs of these customers, thereby increasing the telecommunications services available to the maritime public.¹⁰

4. In its Request, Orion argues that AMTS service to units on land will not have a negative impact on maritime communications or maritime safety.¹¹ Orion points out that AMTS subscriber equipment only operates on channels in the 216-220 MHz band for which the licensee is authorized, not those generally used for distress, safety, and vessel movement communications

⁵ See, *e.g.*, Request for waiver of the requirements in Section 80.453 of the Rules to permit public coast station KAE889 (Corona, CA) to serve mobile units on land, *Order*, DA 97-564 (released Mar. 17, 1997); Request for waiver of the requirements in Section 80.453 of the Rules to permit public coast stations WHX740, WHD813, KQU440, KIL928, and KIL929 to serve mobile vehicles on land, *Order*, 9 FCC Rcd 219 (Special Services Division 1994); Request for waiver of the requirements in Sections 80.303 and 80.453 of the Rules to permit public coast station WHU487 to cease safety watch on 156.800 MHz and serve mobile vehicles on land, *Order*, 9 FCC Rcd 221 (Special Services Division 1994); Request for waiver of the requirements in Section 80.453 of the Rules to permit public coast station WLO to serve mobile vehicles on land, *Order*, 9 FCC Rcd 223 (Special Services Division 1994).

⁶ The Commission originally authorized Orion's AMTS transmitter site at Los Angeles, CA, under call sign WHW266. On January 30, 1997, the Commission issued a single call sign, KAE889, covering all of Orion's stations along the West Coast. This call sign replaces the individual call signs originally issued to each transmitter site.

⁷ See File No. 850278.

⁸ Request at 5.

⁹ *Id.* at 4.

¹⁰ *Id.*

¹¹ *Id.* at 3.

within the marine VHF band (156-162 MHz).¹² Therefore, an AMTS subscriber unit on land could not possibly interfere with distress communications on marine VHF channel 16 (156.8 MHz), Coast Guard communications, or any other radio calls in the marine VHF band.

5. In addition, Orion argues that providing service to units on land will not cause harmful interference to the reception of television channel 10 (192-198 MHz) or television channel 13 (210-216 MHz).¹³ In fact, the only potential source of interference that could result from granting Orion's waiver request involves an increased number of 25-watt land units operating in the 219.5125-219.9875 MHz band, nearly four megahertz from the nearest television channel. As Orion points out, however, the Commission presently allows stations in the amateur radio service to transmit in this band at 50 watts power (twice the AMTS limit) without notifying nearby television stations.¹⁴ Given that the vast majority of amateur radio stations are operated from private residences, it is unlikely that AMTS mobile units operating at half that amount of power will significantly increase the potential for harmful interference to television reception over that which is already permitted -- without notification to nearby broadcasters -- under the amateur radio service rules.

6. Authorization of service to land units must be carefully scrutinized to ensure that maritime public correspondence, which is part of a safety service, is not impaired. Also, we must carefully consider what effects, if any, the expanded use of AMTS mobile units on land will have on television reception. Based on the information provided by Orion in its Request, we conclude that permitting station KAE889 (Los Angeles, CA) to serve a limited number of land units in accordance with the conditions set forth below will not impair maritime service or negatively affect television reception. Therefore, we are waiving the rules to permit AMTS public coast station KAE889 (Los Angeles, CA) to serve up to 50 land units per channel on a subsidiary basis.¹⁵ The waiver is contingent, however, on the following conditions. All land units must be type accepted for use in either the Maritime Services (Part 80), Private Land Mobile Services (Part 90), or the Public Mobile Service (Part 22), and must be capable of operation only on the AMTS Group A frequencies assigned to the station. Furthermore, such subsidiary service must cease within thirty days of the date of written notice if the Commission's staff determines that

¹² *Id.* See also 47 C.F.R. § 80.385 (setting forth AMTS authorized frequencies) and §§ 80.371(c) and 80.373(f) (setting forth ship-to-coast uses of the 156-162 MHz band). As Orion correctly points out, vessels, coast stations, and the U.S. Coast Guard monitor frequencies in the 156-162 MHz band and use them to make distress calls, coordinate ship movement, and transmit information concerning the operational and business needs of vessels. See 47 C.F.R. § 80.373(f).

¹³ *Id.* at 7-10.

¹⁴ *Id.* at 8. See Allocation of the 219-220 MHz Band for Use by the Amateur Radio Service, ET Docket No. 93-40, *Report and Order*, 10 FCC Rcd 4446 (1995).

¹⁵ Limiting operation under the terms of this waiver to 50 units per channel is consistent with the Bureau's past treatment, via waiver, of VHF band public coast stations serving vehicles on land. See *supra* note 5. For example, WLO is authorized to serve up to 100 vehicles using its two assigned public correspondence channels.

maritime communications are being impaired or that operations are causing harmful interference to television reception.

7. Transmissions from land units under the terms of this waiver are authorized under the public coast station authorization for station KAE889 (Los Angeles, CA). This measure increases the public coast station's incentive to control the land units' communications because enforcement efforts will focus on the public coast station licensee rather than individual unit operators. Also, authorizing subsidiary service in this manner reduces paperwork requirements for both the public and the Commission by eliminating the need for separate licenses for each land unit. Therefore, the license listed above will be modified accordingly.

8. For the reasons stated above, IT IS ORDERED that the request for waiver of Section 80.453, 47 C.F.R. § 80.453, and modification of public coast station license KAE889 (Los Angeles, CA) submitted by Orion to serve land units on a secondary basis, IS GRANTED subject to the conditions set forth in paragraph 6 above and subject to the condition that no impairment or interference is caused to maritime communications services or television reception.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'D. E. Horowitz', with a stylized, sweeping flourish at the end.

David E. Horowitz
Chief, Private Wireless Division